

# **Summary**

## **Agency Employment**

This thesis is focused on Agency Employment in the Czech Republic. The aim of this paper is to analyze current legislation of this issue and to highlight its potential shortcomings.

The thesis is divided into seven chapters.

The First chapter focuses on general characteristics of agency employment. The essence of agency work is a tripartite legal relationship arising between the temporary agency, its employee and the user. Within this relationship temporary work agency assigns the employee to perform work for the user.

The Second chapter discusses the sources of legislation on temporary agency work and is divided into two subchapters. In the subchapter entitled „International legal sources“, the work deals with the ILO Private Employment Agencies Convention No. 181. The following subchapter entitled „The Community legislation on temporary agency work“ is gradually focusing on three important directives of the European Communities - directive No. 91/383/EEC supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship; directive No. 96/71/EC on the posting of workers in the framework of the provision of services; and directive No. 2008/104/EC on temporary agency work.

The Third chapter discusses the development of agency employment in the Czech legal order, briefly describes the legislation, which was contained in Act No. 65/1965 Coll., Labour code, then mentions changes that were in the Czech legal system implemented in 2004.

Chapter Four is devoted to the subjects of agency employment and it is subdivided into three parts. Part one deals with the first subject - job agency. First, this part generally characterizes the agency, then describes the conditions for obtaining permission to employment mediation. Then, this subsection focuses on the obligations of agencies - particularly the registration and notification obligations. The conclusion of this subchapter refers to the Association of Personnel Services Providers, which brings together some employment agencies. The following two subchapters describe remaining subjects – agency employee and user.

Chapter Five focuses on legal relationships arising from the agency employment. At the beginning, it describes a legal relationship between the agency and the employee, which is characterized by two legal acts - employment contract (or agreement on work activity) and written instruction of the agency. Then, it describes the legal relationship between the agency and the user, in which there is an agreement on temporary assignment of agency employee. In its last section, this chapter deals with the relationship between the agency employee and the user.

Chapter Six deals with the working conditions for temporary agency work. Gradually, it addresses the following issues - non-discrimination and equal employment and wage conditions, liability for damage, restrictions on agency employment by collective treaties and the right to information and consultation.

Chapter Seven addresses the question of control of agency employment and focuses on supervision carried out by the Labour Inspection and Labour Offices.

The Conclusion summarizes the most significant deficits of the current legislation and expects that some of these shortcomings will be remedied in an upcoming conceptual amendment to the Labour Code.